

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-15-04)**  
**PTARMIGAN VILLAGE**  
**JUNE 23, 2015**

This is a report to the Flathead County Board of Adjustment regarding a request from Ptarmigan Home Owners Association for a conditional use permit to allow for multiple principal uses on a single lot. The subject property is located within the Rural Whitefish Interim Zoning District and is zoned 'RR-1 Low Density Resort Residential.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on July 7, 2015 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is not located within the jurisdiction of a Land Use Advisory Committee.

**B. Board of Adjustment**

This space is reserved for an update regarding the July 7, 2015 Flathead County Board of Adjustment review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

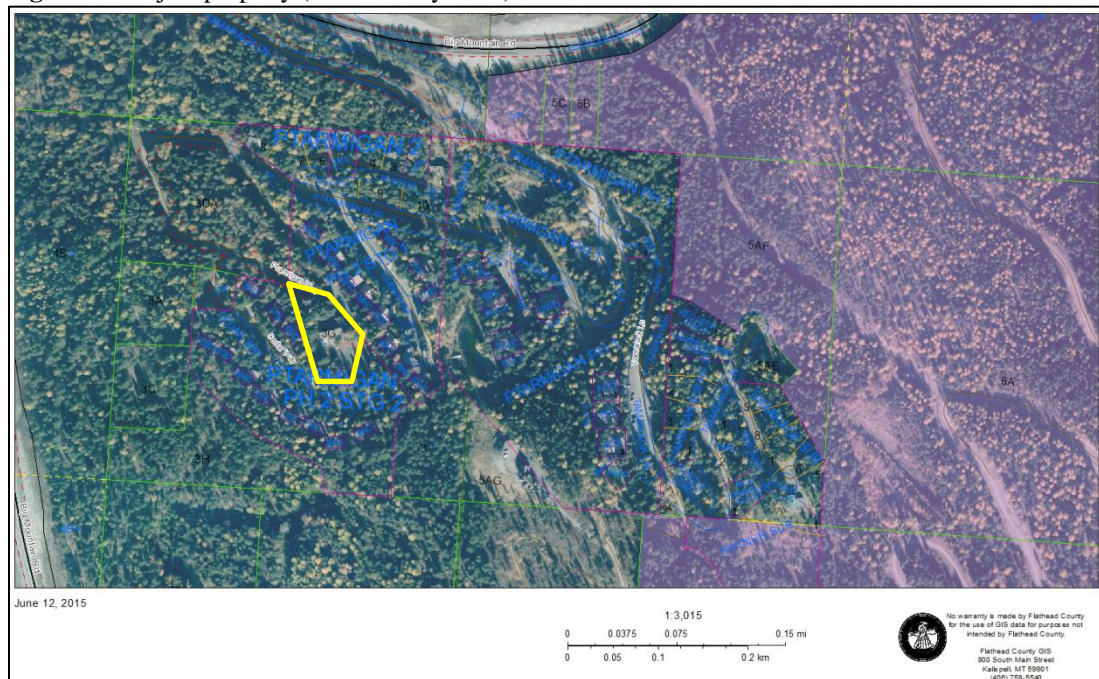
**i. Applicant/Landowner**

Ptarmigan Home Owners Association  
3000 Big Mountain Road  
Whitefish, MT 59937

**B. Property Location and Size**

The property is located at the terminus of Ptarmigan Boulevard (see Figure 1 below). The subject property is approximately 1.213 acres and can be legally described as Tract 3G in Section 11, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in yellow)



### **C. Existing Land Use(s) and Zoning**

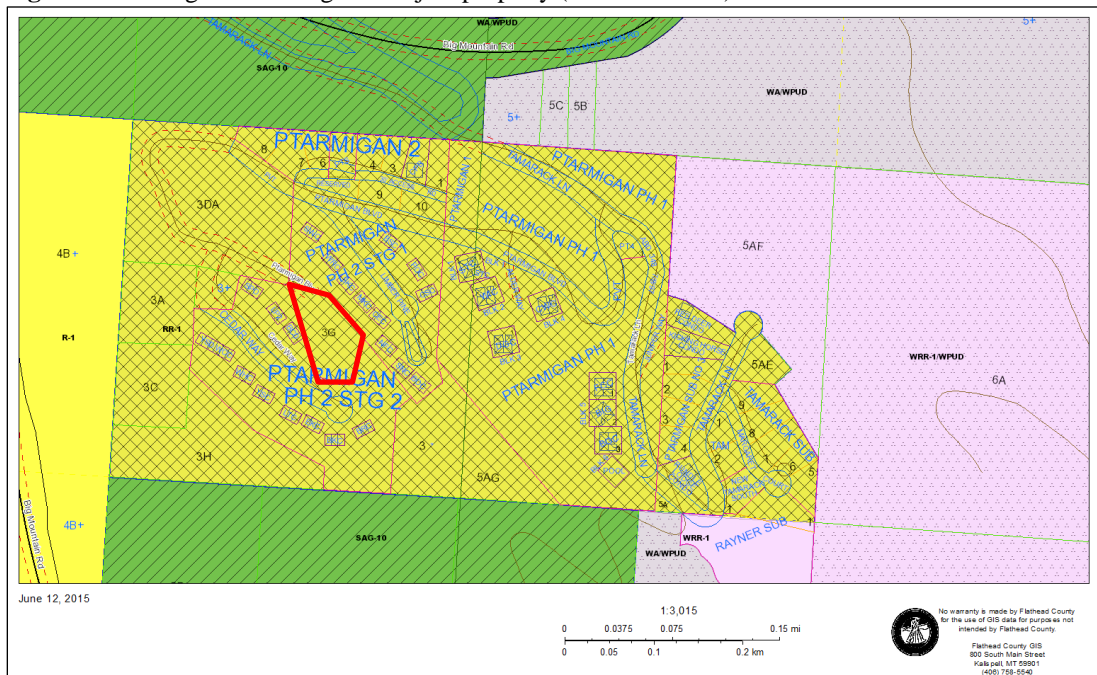
The property is currently developed and is located within the Rural Whitefish Interim Zoning District and is zoned ‘RR-1 Low Density Resort Residential,’ a designation intended to *“A district to provide a low density setting for secondary residential resorts.”*

The subject property is currently being used for recreational area for the homeowners association. The property currently contains an indoor and outdoor pool, tennis courts and a playground.

### **D. Adjacent Land Use(s) and Zoning**

All of the surrounding properties are zoned ‘RR-1 Low Density Resort Residential.’ The properties around the subject property are part of Ptarmigan Village, contain multi-family residential and are all heavily forested.

**Figure 2:** Zoning surrounding the subject property (outlined in red)



### E. Summary of Request

The applicant is proposing to use the existing building for multiple principal uses. The uses will include a homeowner's park and professional offices. The professional office will be rented out to the general public and the park is for the home owners within the subdivision. The applicant is requesting a conditional use permit for multiple principal uses pursuant to Section 3.03.020(3) FCZR.

Section 3.03.020(3) FCZR states, "Except as otherwise specified in these regulations, only one principal use shall be allowed per tract of record in the following zones: AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1, and B-1. Multiple uses may be allowed on single lots in other zoning districts upon the issuance of a Conditional Use Permit."

### F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on June 17, 2015, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the June 21, 2015 edition of the Daily Interlake.

### G. Agency Referrals

Referrals were sent to the following agencies on May 27, 2015:

- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referrals.
- Flathead City-County Environmental Health Department
  - Reason: The property is located within the department's jurisdiction.
- Flathead County Solid Waste (FCSW)
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact county facilities.

- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds of the subject property.
- Montana Department of Natural Resources & Conservation
  - Reason: The DNRC has requested a copy of all agency referrals.
- Whitefish Planning Department
  - Reason: The subject property is located outside of but near the City of Whitefish's planning jurisdiction.
- Whitefish Rural Fire Department
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact Fire Department response.
- Whitefish Water and Sewer District
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact Whitefish Water and Sewer District facilities.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for July 7, 2015. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
  - Comment: "BPA does not have any objections to the approval of this request at this time." Email dated June 2, 2015.
- Flathead City-County Health Department
  - Comment: "The proposed addition of commercial office space would require re-review under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). The existing Certificate of Subdivision Approval does not address the swimming pool structure or proposed professional office facility. Wastewater, potable water, stormwater drainage, and solid waste will be addressed through the review process." Letter dated June 12, 2015.

### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.



## A. Site Suitability

### i. Adequate Usable Space

The subject property is approximately 1.213 acres or 52,838 square feet and the minimum lot size in 'RR-1' is 1 acre. The permitted lot coverage in the interim 'RR-1' zone is 35%. The existing building is approximately 5,400 square feet and the applicant is not proposing to construct any additional buildings or structures. The existing buildings cover approximately 10% of the lot.

The setbacks for the R-1 zone are 15 feet from the front 20 feet from the rear and 10 feet from the side for the principal structure. The existing building appears to meet the setback requirements of the RR-1 zone. There appears to be adequate useable space on to accommodate the proposed uses, in compliance with the applicable bulk and dimensional requirements of the RR-1 zone.

**Finding #1** – The subject property appears to contain adequate usable space because the total area is approximately 1.213 acres which is larger than the minimum lot size, the existing building covers approximately 10% of the lot, no new structures are proposed and the building meets the bulk and dimensional requirements of the RR-1 district.

### ii. Adequate Access

The subject property is located at the end of Ptarmigan Boulevard, a paved private roadway approximately 26 feet wide within a 60 foot easement. The existing approach is located at the terminus of the road. Based on staff's site visit it appears there is adequate sight distances from the proposed accesses to enter and exit the property safely and because the road is private no approach permit would be required.

**Figure 3:** Ptarmigan Boulevard



**Finding #2** – There is adequate access for the proposed multiple principal uses because the property has an existing approach off a paved private road with adequate sight distance to safely enter and exit the property and no approach permit would be required.

**iii. Absence of Environmental Constraints**

The subject property is located on FEMA FIRM panel 30029C 1080G, in an unshaded Zone X, which is classified as an area outside the 500-year floodplain. The National Wetland Inventory does not show any wetlands, located on the subject property. The subject property is relatively flat with no significant elevation changes. The county's IMS shows a creek traversing the center of the property however the applicant is not proposing to construct any new structures as a result of this request.

**Finding #3** – As proposed, the use appears to have no environmental constraints because the property is not located in a designated floodplain, the property is not mapped as having wetlands and no new buildings will be constructed as a result of this proposal.

**B. Appropriateness of Design**

**i. Parking Scheme**

According to the submitted application there approximately 12 parking spaces. The parking lot is not currently demarcated and it is difficult to determine the exact number of parking spaces. Staff calculated the parking to be approximately 4,590 square feet. Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 X 20 feet and driving lanes for two-way traffic should be a minimum of 24 wide. The parking area appears wide enough to accommodate two-way traffic with parking spaces on both sides. A 24 foot wide driving lane with a parking space on each side is approximately 576 square feet. When 576 is divided by the total space available of 4,590 square feet, the approximate total number of parking spaces can be determined. The parking area would allow for approximately 16 spaces.

The required parking spaces is broken down as follows:

- Section 6.09.030 of the zoning regulations requires 1 parking space per 400 square feet of gross floor area for Private clubs and lodges, special centers, athletic clubs and the like. The total floor area for the recreation area of the building is 5,400 square feet, which would require 14 parking spaces.
- Section 6.08.020 requires 1 parking space per 400 square feet of office space. The applicant is proposing 1,525.5 square feet of office space, which would require 4 parking spaces.

Both uses would require a total of 18 parking spaces. The application states the parking lot can accommodate 12 space and staff calculate room for 16 spaces in the existing parking lot, both would be less than the require parking spaces for the existing and proposed use.

Section 6.01.030 [FCZR] requires all parking spaces to be clearly designated and demarcated, therefore, the applicant will be required to clearly designate and demarcate parking spaces. Based on staff's site visit to the subject property, there does not appear to be adequate space for the required parking.

**Finding #4** – The parking scheme does not appear acceptable because the parking area would allow for approximately 16 parking spaces and 18 parking spaces would be required for both use and the parking spots shall be required to be clearly designated and demarcated per Section 6.01.030 [FCZR].

**ii. Traffic Circulation**

The subject property is located at the end of Ptarmigan Boulevard, a paved private roadway approximately 26 feet wide within a 60 foot easement. The existing approach is located at the terminus of the road.

The property currently contains a paved parking lot that is approximately 4,590 square feet. The parking lot would allow for two-way traffic aisles 24 feet wide. The 24 foot traffic aisle is required for two way traffic with 90 degree parking per Appendix A [FCZR]. The traffic aisle width of 24 feet would provide for adequate travel lanes and area to turn around. The proposed parking area appears wide enough to afford adequate and compliant internal traffic circulation.

**Finding #5** – The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can meet standards set forth in Appendix A [FCZR].

**iii. Open Space**

The subject property is approximately 1.213 acres or 52,838 square feet and the minimum lot size in 'RR-1' is 1 acre. The permitted lot coverage in the interim 'RR-1' zone is 35%. The existing building is approximately 5,400 square feet and the applicant is not proposing to construct any additional buildings or structures. The existing buildings cover approximately 10% of the lot. Approximately 90% of the lot will remain open space.

**iv. Fencing/Screening**

The property currently contains a chain link fence around the tennis court and a wrought iron fence around the exterior of the outdoor pool. The application is not proposing any additional fencing. Any future fencing constructed on the property would be required to comply with Section 5.04 [FCZR].

**v. Landscaping**

The 'RR-1' zone does not have any landscaping requirements nor are there any landscaping requirements specific to the proposed and existing uses. The application states, "The landscaping is in place and professionally done."

**vi. Signage**

There is currently no signage on the subject property. The applicant is proposing wooden signage in keeping with the existing signage in the village. All signage installed must conform to Section 5.11 FCZR.

**vii. Lighting**

The building has existing exterior lighting which appears to be shielded. The applicant stated, “The parking area and existing building meet all lighting requirements and standards.” No new lighting is being proposed as part of this proposal.

**Finding #6** – The proposed open space, fencing, screening, landscaping, signage and existing lighting on the subject property appear appropriately designed because no landscaping, lighting screening or fencing is being proposed or required, 90% of the lot will remain open space, any signage would comply with sign standards set forth in Sections 5.11 of the Flathead County Zoning Regulations and the signage will be inspected to verify compliance at the end of one year.

**C. Availability of Public Services and Facilities**

**i. Sewer**

According to the application the subject property is served by a their own septic system but the application does not go into additional detail. Comment received from the Flathead County Environmental Health state, “The proposed addition of commercial office space would require re-review under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). The existing Certificate of Subdivision Approval does not address the swimming pool structure or proposed professional office facility. Wastewater, potable water, stormwater drainage, and solid waste will be addressed through the review process.” The wastewater system will require review and approval through the Sanitation in Subdivision Act by the Montana Department of Environmental Quality and the Flathead City-County Health Department for both the existing and proposed uses. This will be conditioned and verified after one year.

**ii. Water**

According to the application the subject property is served by a water tanks but the application does not go into additional detail. Comment received from the Flathead County Environmental Health state, “The proposed addition of commercial office space would require re-review under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). The existing Certificate of Subdivision Approval does not address the swimming pool structure or proposed professional office facility. Wastewater, potable water, stormwater drainage, and solid waste will be addressed through the review process.” The water system will require review and approval through the Sanitation in Subdivision Act by the Montana Department of Environmental Quality and the Flathead City-County Health Department for both the existing and proposed uses. This will be conditioned and verified after one year.

**iii. Storm Water Drainage**

The applicant has stated that storm water run-off is managed through Elmers’ Pond and Creek. Run-off will continue to be handled in this manner. It is anticipated that storm water runoff will not increase as a result of this request because no new structures or paving will occur as a result. Comments from



Environmental Health indicate review will be required for the existing and proposed use.

**Finding #7** – The proposed use is expected to minimally impact water, sewer and storm drainage because the property is serviced by existing water tanks and a sewer system, no new structures are proposed as part of this proposal and the property will be required to undergo review and approval through the Sanitation in Subdivision Act by the Flathead City-County Environmental Health Department and the Montana Department of Environmental Quality.

**iv. Fire Protection**

The subject property is located in the Whitefish Rural Fire District and served by the Whitefish Fire Department. The nearest station within the Big Mountain Fire District and is located 2.6 road miles north of the property. The nearest fire station within the Whitefish Fire District is approximately 7.1 road miles to the south of the subject property. Due to the proximity to both fire stations, it is anticipated response times in the event of an emergency would not be unreasonably long.

**v. Police Protection**

The property would be served by the Flathead County Sheriff's Department. The Sheriff's office is approximately 22 miles south of the subject property. Response times would be longer given the property's location on Big Mountain.

**vi. Streets**

The subject property is located at the end of Ptarmigan Boulevard, a paved private roadway approximately 26 feet wide within a 60 foot easement. The existing approach is located at the terminus of the road.

**Finding #8** – The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff would provide services to the subject property and the property is accessed via a paved private road.

**D. Immediate Neighborhood Impact**

**i. Excessive Traffic Generation**

The property is located at the end of Ptarmigan Boulevard a paved private road approximately 26 feet wide within a 60 foot easement. Because the subject property is located at the end of a private road no traffic counts exist.

Staff utilizes the 5<sup>th</sup> Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual to provide traffic counts for different land uses. The two uses that closely resemble the proposed and existing uses are General Office Building and Recreational Community Center. The description given for General Office Building states, "An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services such as a bank or savings and loan, a restaurant or cafeteria, and retail facilities." According to the 5<sup>th</sup> Edition the trip generation rate for a weekday for General Office Building is approximately

24.60 per 1,000 square feet. The proposed office space is approximately 1,525.5 square feet, therefore the estimated average vehicle trips per day is 37.5.

The description given for Recreational Community Center states, “Are facilities similar to and including YMCA’s, often including classes and clubs for adults and children, day care or a nursery school, meeting rooms, swimming pools and whirlpools, saunas tennis, racquetball, and handball courts, exercise classes, weightlifting and gymnastics equipment, locker rooms, and a restaurant or snack bar.” According to the 5<sup>th</sup> Edition the trip generation rate for a Saturday is approximately 7.39 per 1,000 square feet. The pool area is approximately 5,400 square feet, therefore the estimated average vehicle trips is approximately 40. The projected traffic during the week would likely be slightly less than on the weekend as children would be in school during the week. Also because many users live nearby many of those trips could be pedestrian trips not vehicle trips. Traffic generated by the proposed and existing use would likely not have a significant impact on the neighborhood.

**Finding #9** – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the property is located on a 26 foot wide paved private road, the existing use likely generates less than the approximate 40 vehicle trips estimated as many of the users live nearby and would likely walk and the peak hours of the pool and tennis courts are likely to be after the offices are closed and weekends.

**ii. Noise or Vibration**

No noise or vibrations are anticipated with the proposed use because no new construction will occur with this proposal. No noise or vibration beyond what is typical for the area is anticipated as a result of the proposed multiple principal uses.

**iii. Dust, Glare or Heat**

No new construction will occur as a result of this proposal and the parking lot and road are paved, so minimal dust is anticipated as a part of this request. Because no new construction is proposed an increase in impervious surface area and windows which have the potential to increase the impacts of glare and heat on the subject property as well as surrounding area will likely not occur.

**iv. Smoke, Fumes, Gas, or Odors**

According to the applicant, “Office would not generate any smoke, fumes, gas or odors.” The proposed multiple principal uses are not expected to create any smoke, fumes, gas or odors beyond those typically associated with commercial activities. The proposed and existing use should not have an impact on the surrounding neighborhood.

**v. Inappropriate Hours of Operation**

The subject property is located in an area by residential all of which would have access to the pool, tennis courts and play ground. The hours of operation for the pool and hot tub are 8:00 am to 10:00pm. According to the application the

hours for the offices will be 8:00 am to 5:00pm. It appears likely that the hours of operation would be appropriate for the existing and proposed uses.

**Finding #10** – The proposed use is not anticipated to have a negative impact on the neighborhood because the proposed multiple principal uses will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas, other odors, or have inappropriate hours of operation and the uses will operate in a manner consistent with offices.

## **V. SUMMARY OF FINDINGS**

1. The subject property appears to contain adequate usable space because the total area is approximately 1.213 acres which is larger than the minimum lot size, the existing building covers approximately 10% of the lot, no new structures are proposed and the building meets the bulk and dimensional requirements of the RR-1 district.
2. There is adequate access for the proposed multiple principal uses because the property has an existing approach off a paved private road with adequate sight distance to safely enter and exit the property and no approach permit would be required.
3. As proposed, the use appears to have no environmental constraints because the property is not located in a designated floodplain, the property is not mapped as having wetlands, streams or creeks and no new buildings will be constructed as a result of this proposal.
4. The parking scheme does not appear acceptable because the parking area would allow for approximately 16 parking spaces and 18 parking spaces would be required for both use and the parking spots shall be required to be clearly designated and demarcated per Section 6.01.030 [FCZR].
5. The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can meet standards set forth in Appendix A [FCZR].
6. The proposed open space, fencing, screening, landscaping, signage and existing lighting on the subject property appear appropriately designed because no landscaping, lighting screening or fencing is being proposed or required, 90% of the lot will remain open space, any signage would comply with sign standards set forth in Sections 5.11 of the Flathead County Zoning Regulations and the signage will be inspected to verify compliance at the end of one year.
7. The proposed use is expected to minimally impact water, sewer and storm drainage because the property is serviced by existing water tanks and a sewer system, no new structures are proposed as part of this proposal and the property will be required to undergo review and approval through the Sanitation in Subdivision Act by the Flathead City-County Environmental Health Department and the Montana Department of Environmental Quality.
8. The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff would provide services to the subject property and the property is accessed via a paved private road.

9. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the property is located on a 26 foot wide paved private road, the existing use likely generates less than the approximate 40 vehicle trips estimated as many of the users live nearby and would likely walk and the peak hours of the pool and tennis courts are likely to be after the offices are closed and weekends.
10. The proposed use is not anticipated to have a negative impact on the neighborhood because the proposed multiple principal uses will not create excessive noise, vibration, dust, heat, glare, smoke, fumes, gas, other odors, or have inappropriate hours of operation and the uses will operate in a manner consistent with offices.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for a multiple principal uses on a single lot is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-15-04 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

## **VII. CONDITIONS**

1. Operation of the proposed use on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the 'RR-1 Low Density Resort Residential' zoning designation [FCZR Section 3.08].
4. The uses shall be reviewed and approved by the Flathead City-County Department of Environmental Health and Montana Department of Environmental Quality. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
5. The subject property shall have a minimum of 18 parking spaces to accommodate the vehicles generated by the proposed use in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030] and will be inspected at the end of one year.
6. All vehicular access for the uses including internal traffic circulation areas, and parking areas shall be clearly established and demarcated in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.
7. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
8. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.

9. The construction of the building shall commence within one year from the date of issuance of the permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date [FZR Section 2.06.060].
10. At the end of twelve (12) months from the date of authorization of this permit staff will inspect to verify compliance [FZCR Section 2.06.060].

Planner: EKM